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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,113	09/29/2003	David W. Pedlar	1578.621 (11157-1-US-PAT)	2434
44208	7590	07/02/2007	EXAMINER	
DOCKET CLERK PO BOX 12608 DALLAS, TX 75225			ADDY, ANTHONY S	
			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			07/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/674,113	Applicant(s) PEDLAR ET AL.	
	Examiner Anthony S. Addy	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 12, 2007 has been entered. **Claims 1-9** are pending in the present application.

Response to Arguments

2. Applicant's arguments with respect to **claims 1-9** have been considered but are moot in view of the new ground(s) of rejection.

Drawings

3. Figures 1-4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any

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required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-9** are rejected under 35 U.S.C. 102(b) as being anticipated by **Applicant's Admitted Prior Art** (Figures 1-4; and pages 1-3 of original disclosure).

Regarding claims 1 and 6, the prior art admitted by applicant, exhibited in Figures 1-4, disclosed on pages 2-8 of the present specification (hereinafter simply referred as "the Admitted Prior Art") discloses a user equipment and a method of performing a cell update during a reconfiguration procedure in a user equipment in a communications system (see Figures 2-4), the method comprising the steps of: receiving a reconfiguration command, the reconfiguration command including an activation time at which a reconfiguration is to be applied (see page 1, lines 22-24, page 2, lines 1-3, page 3, lines 5-6 and Figs. 3 & 4); detecting a trigger event which indicates that a cell update is required (see page 2, lines 12-13, page 3, lines 4-8 and Figures 2-4); cancelling the reconfiguration procedure in response to the trigger event (see page, 2, lines

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4-6, page 2, lines 24-28, page 3, lines 1-12 and Fig. 3); setting a configuration failure flag in the user equipment (see page, 2, lines 4-6, page 2, line 27 through page 3, line 3 and Fig. 3 [i.e. the Admitted Prior Art inherently teaches the claimed limitation of "setting a configuration failure flag in the user equipment," since the Admitted Prior Art teaches the user equipment sends a Reconfiguration_Failure message to the UTRAN after the cell update is completed, thus it is inherent a flag or an indicator is set in the user equipment to report to the UTRAN about a failed configuration procedure due to the occurrence of a cell update procedure]); and sending a configuration failure message from the user equipment, after the cell update is completed (see page, 2, lines 4-6, page 2, line 27 through page 3, line 3 and Fig. 3).

Regarding claims 2 and 7, the Admitted Prior Art teaches all the limitations of claims 1 and 6. The Admitted Prior Art further teaches a user equipment and a method, comprising canceling the reconfiguration procedure if the trigger event occurs before the activation time (see page 2, line 24 through page 3, line 3 and Fig. 3).

Regarding claims 3 and 8, the Admitted Prior Art teaches all the limitations of claims 1 and 6. The Admitted Prior Art further teaches a user equipment and a method, wherein the reconfiguration procedure includes applying the reconfiguration at the activation time (see page 3, lines 5-6 and Fig. 4), the method further comprising canceling the reconfiguration procedure if the trigger event occurs before the reconfiguration has been applied (see page 2, line 24 through page 3, line 3, page 3, lines 5-11 and Figs. 3 & 4).

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Regarding claim 4, the Admitted Prior Art teaches all the limitations of claim 1. The Admitted Prior Art further teaches a method, further comprising initiating the cell update (see page 2, lines 12-13, page 3, lines 4-8 and Figures 2-4).

Regarding claim 5, the Admitted Prior Art teaches all the limitations of claim 1. The Admitted Prior Art further teaches a method, in which the user equipment communicates with a UTRAN, further comprising sending a Reconfiguration_FAILURE message to the UTRAN (see page, 2, lines 4-6, page 2, line 27 through page 3, line 3 and Fig. 3).

Regarding claim 9, the Admitted Prior Art teaches all the limitations of claim 1. The Admitted Prior Art further teaches a user equipment, wherein the communications system comprises a UMTS system (see page 1, lines 11-20).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S. Addy whose telephone number is 571-272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A.S.A



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